

James H. Leachman
Defendant Pro Se
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FILED

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Clerk, U.S. District Court
District Of Montana
Billings

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

James H. Leachman,

Plaintiff,

v.

Edward F. Parisian, Regional
Director, Bureau of Indian Affairs,
Rocky Mountain Regional Office;
Michael S.. Black, Director of
Bureau of Indian Affairs;
Michael R. Smith, Deputy Bureau
Director, Field Operations
Bureau of Indian Affairs,
Washington, D.C.;
Darren A. Cruzan, Deputy Bureau
of Indian Affairs Director, Office of
Justice Services;
John Does, Numbering 1 – 10;
Jane Does, Numbering 1 – 10.

Defendants.

Case No. CW-1445-B10-CSO

COMPLAINT

COMES NOW, the Plaintiff, James H. Leachman, by and for himself, without counsel, and files this, his Complaint as follows:

I.

JURISDICTION

Jurisdiction for this action is proper under 28 U.S.C. § 1331 as the facts alleged in this action involve violations of the United States Constitution and deprivation of the Plaintiff's property rights guaranteed him under Fourteenth Amendments of the United States Constitution and his due process rights guaranteed him under the Fifth Amendment of the United States Constitution. Jurisdiction is further conferred upon this court by the United States Supreme Court cases of *BIVENS v. SIX UNKNOWN FEDERAL NARCOTIC AGENTS*, 403 U.S. 388 (1971) and *DAVIS v. PASSMAN*, 442 U.S. 228 (1979). In addition, this court has jurisdiction to hear the claims contained in the Plaintiff's Complaint based upon 28 U.S.C. § 1367, *Supplemental Jurisdiction* and MCA 27-1-320, Conversion of Personal Property.

II.

Venue

Venue is proper in this court for, at all time herein mentioned, the

Plaintiff was and is a resident of Yellowstone County, Montana and the tortious actions alleged in this Complaint took place in Yellowstone County, Montana.

III. FACTS

The Plaintiff, Leachman was the title owner of 820 horses located South East of Billings, Montana. On April 3, 2011, Defendant Edward F. Parisian, Regional Director of the Bureau of Indian Affairs for the Rocky Mountain Regional Office, seized these same 820 horses belonging to the Plaintiff, James H. Leachman and auctioned them off to the public. The proceeds of the sale of these horses was retained by the Bureau of Indian Affairs. At no time did the Plaintiff, Leachman consent to the seizure of these 820 horses nor did the Plaintiff, Leachman consent to the sale of these horses. To date, the Plaintiff, Leachman has received no compensation, whatever, for the 820 horses that were seized and sold at auction.

IV.

The Defendant, Parisian publicly claimed that his authority for seizing these 820 horses and auctioned them was based upon Parisian's

belief that some of the horses has trespassed on Indian Tribal land.

V.

Defendant Parisian is a federal official who was acting in is individual capacity under color of federal law, and whos unlawful actions have deprived the Plaintiff, Leachman of his Fourteenth Amendment property rights guaranteed him under the United States Constitution and his Fifth Amendment protection against deprivation of his due process rights. The Fifth Amendment states in relevant part, *"No person shall * * * be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."*

VI.

Defendant, Michael S. Black, is the Director of Bureau of Indian Affairs. Defendant, Michael R. Smith, is the Deputy Bureau Director, Field Operations for the Bureau of Indian Affairs, Washington, D.C. Defendant Darren A. Cruzan, is the Deputy Bureau of Indian Affairs Director for the Office of Justice Services. At all times herein mentioned, these afore named Defendants were federal officials acting in their individual capacities as federal officials prior to and during the tortious actions taken by Defendant, Parisian and were in a supervisor capacity over Defendant, Parisian.

VI.

At all times herein mentioned the Defendant, Parisian was a federal official acting under color of federal law, and who in his individual capacity, willfully deprived the Plaintiff, Leachman's of his constitutionally guaranteed rights to private property under the Fourteenth Amendment and his constitutionally guaranteed right to due process under the Fifth Amendment to the United States Constitution by converting Plaintiff, Leachman's private property in the form of 820 horses in violation of Montana Code Annotated, 27-1-320.

VII.

Defendants, Michael S. Black, Michael R. Smith, and Darren A. Cruzan were federal officials who acted under color of federal law in their individual capacities and knew of, or should have known of, the tortious actions of Defendant, Parisian as each was in a supervisor capacity over Defendant, Parisian as employees of the Bureau of Indian Affairs prior to and during the unlawful actions of Defendant, Parisian.

VIII.

This action is not against the sovereign, the United States of America, only the Defendants in their individual capacities as federal officials.

IX.

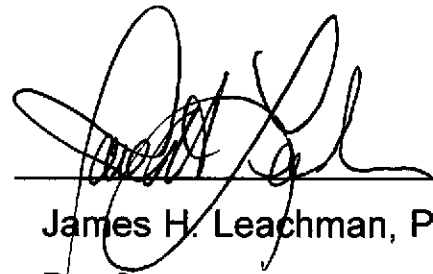
The Plaintiff, Leachman demands a jury trial.

WHEREFORE, the Plaintiff, Leachman prays for judgement against the Defendants, jointly and severally, as follows:

- A) In the amount of Two Million Two Hundred Thousand Dollars (\$2,200,000.)
- B) Statutory Interest starting from the date of the conversion; and
- C) Court costs, including Filing costs, Service of Process Costs.

Dated this 31st Day of March, 2014.

By: _____

A handwritten signature in black ink, appearing to read 'James H. Leachman', is written over a horizontal line.

James H. Leachman, Plaintiff
Pro Se.